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INFO RUCNAFG/AFGHANISTAN COLLECTIVE
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RUEHIL/AMEMBASSY ISLAMABAD 2822
RUEHRH/AMEMBASSY RIYADH 4218
RHEHAAA/NSC WASHDC
RHEFDIA/DIA WASHDC
RUEAIIA/CIA WASHDC
RUEKJCS/JOINT STAFF WASHDC
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RUEHGV/USMISSION GENEVA 5622
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL
RHMFISS/CDR USCENTCOM MACDILL AFB FL
RHMFIUU/COMSOCCENT MACDILL AFB FL
RUEATRS/US TREASURY WASHDC

UNCLAS SECTION 01 OF 09 KABUL 000912

SIPDIS

SENSITIVE
SIPDIS

DEPT FOR SCA/A, G/TIP, G, INL,DRL, PRM, IWI

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [PREF](#) [ELAB](#) [KCRM](#) [KWMN](#) [KFRD](#) [ASEC](#)
SMIG, AF

SUBJECT: AFGHANISTAN'S 2005-2006 TRAFFICKING IN PERSONS
QUESTIONNAIRE RESPONSE

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PLS ZRF ALL SECTIONS OF KABUL 912 AND BLANK ALL
ASSOCIATED MCN. MESSAGE WILL BE RESENT WITH NEW
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more accurate identification of TIP cases. On the other hand
this could also be due to reporting &fatigue8 due to the
many other priorities and lack of resources confronting this
emerging democracy.

[18](#). (SBU) What kind of conditions are the victims trafficked
into?

No information available.

[19](#). (SBU) Which populations are targeted by the traffickers?

Disadvantaged populations have been targeted by traffickers,
specifically the poor and recent refugees.

[110](#). (SBU) Who are the traffickers? What methods are used to
approach victims? (Are they offered lucrative jobs, sold by
their families, approached by friends of friends, etc.?)

The traffickers are generally trusted members of the
community. Families also send their children abroad to take
advantage of educational, religious, or work opportunities,
but there is little follow up on the child once they leave

the country. Systemic levels of poverty create an environment where many families will take any opportunity to send their children abroad to earn income. Other families will send their children abroad with the promise of a secular or religious education or so they have a chance to visit Mecca. There is no way to monitor the location or well being of these children while abroad.

¶11. (SBU) What methods are used to move the victims (e.g., are false documents being used?).

It is unclear how the victims are moved to other countries. Given the difficulty of transporting victims to KSA it is inferred that false documents are being used. Transporting victims to Iran or Pakistan is much simpler in comparison and frequently only requires bribing a border official.

¶12. (SBU) C. What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

The government has limited resources, both personnel and financial. There is also a significant lack of training for border, highway and local police. Even within the government there does not seem to be a consistent understanding of TIP or the will to address it. Many consider these opportunities for children critical to keeping families afloat. Most repatriated victims or those deported are provided assistance by IOs or NGOs. Border police are also notorious for their corruption and have been implicated in cross-border trafficking of narcotics, munitions, and people.

¶13. (SBU) D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, prevention and victim protection) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The Government of Afghanistan has organized an interagency working group to focus on child trafficking issues. Member include: the Ministry of Labor and Social Affairs, the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Justice, the Ministry of Religious Affairs and the Hajj, the Ministry of Women,s Affairs, UNICEF, and Save the Children.

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PREVENTION

¶14. (SBU) A. Does the government acknowledge that trafficking is a problem in that country? If no, why not?

The government does acknowledge that trafficking takes place, although the type and extent are not agreed upon. There is debate over whether trafficking for labor and as sex workers falls under TIP.

¶15. (SBU) B. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

The Ministry of Labor and Social Affairs has the lead, The Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Justice, the Ministry of Religious Affairs and the Hajj, and the Ministry of Women,s Affairs are also involved in anti-trafficking efforts.

¶16. (SBU) C. Are there, or have there been, government-run anti-trafficking information or education campaigns? If so, briefly describe the campaign(s), including their objectives

and effectiveness. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor).

The names of and information about missing children (trafficked or otherwise) are generally disseminated through the media and mosques. The AIHRC has been conducting limited police training to raise awareness of TIP. There was significant publicity surrounding the National Plan of Action to Combat Child Trafficking, but this has faded over the last year.

¶17. (SBU) D. Does the government support other programs to prevent trafficking? (e.g., to promote women's participation in economic decision-making or efforts to keep children in school.) Please explain.

There are currently no government programs to prevent trafficking.

¶18. (SBU) F. What is the relationship between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue?

Government officials seem more than willing to meet with NGOs and other organizations, although most NGOs claim that little is done beyond of these meetings, primarily due to a lack of training and resources.

¶19. (SBU) G. Does it monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies screen for potential trafficking victims along borders?

This is currently beyond the government,s capacity.

¶20. (SBU) H. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi- agency working group or a task force? Does the government have a trafficking in persons working group or single point of contact? Does the government have a public corruption task force?

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As mentioned in reference to question 21D, the Government of Afghanistan has organized an interagency working group to focus on child trafficking issues. The Ministries of Labor and Social Affairs; Foreign Affairs; Interior; Justice; Religious Affairs and the Hajj; and the Ministry of Women,s Affairs, along with UNICEF, and Save the Children are members.

¶21. (SBU) J. Does the government have a national plan of action to address trafficking in persons? If so, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to disseminate the action plan?

Yes. The government, with the help of NGOs and the international community, has developed and released a National Plan of Action on Child Trafficking. As a result the above mentioned group in question &H8 has been formed to monitor and address these issues.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

¶22. (SBU) A. Does the country have a law specifically prohibiting trafficking in persons--both trafficking for sexual exploitation and trafficking for non-sexual purposes (e.g. forced labor)? If so, what is the law? Does the law(s) cover both internal and external (transnational) forms of

trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of coercion or fraud? Are these other laws being used in trafficking cases?

Are these laws, taken together, adequate to cover the full scope of trafficking in persons? Please provide a full inventory of trafficking laws, including civil penalties, (e.g., civil forfeiture laws and laws against illegal debt).

There is currently no legal code that specifically addresses trafficking in persons. Most laws used to prosecute TIP are designed to address kidnapping. The MOJ has been approached to develop a law and is in the process of drafting one, although a draft has not yet been released.

Please see below the relevant laws (NOTE: The quality of translation is rather poor; however, since they are from official translations of published law books in Afghanistan, they are quoted verbatim here. END NOTE):

Penal Code

Article 356:

A person who takes away or hides a newborn baby from persons who have legal rights over him, or changes him with another infant, or untruthfully relates him to some one other than his mother, shall be sentenced in the light of circumstances to medium imprisonment

Article 418:

A person who, himself/herself or through another, kidnaps a child, not yet seven years old, or someone who can not look after himself, or leaves at large one of the persons mentioned in an uninhabited area, shall be sentenced

Article 419:

If as a result of commitment of the crimes specified under article 418 of this law, some organ of the child or the person (kidnapped) is defected or lost, the offender shall be punished in accordance with the provisions of Deliberate Laceration or if the child or the person (kidnapped) dies, the offender shall be punished in accordance with the

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provisions of Deliberate Murder.

Article 420:

1.A person who, himself or through another, kidnaps, without coercion or fraud, a child not yet eighteen years old, shall be sentenced 2.If the kidnapped child is a girl, the offender shall be sentenced to long imprisonment, not exceeding ten years

Article 421:

1.A person who, himself or through another, kidnaps, with coercion or fraud, a child not yet eighteen years old, shall be sentenced 2.If the kidnapped child is a girl, the offender shall receive the maximum anticipated punishment of the above paragraph.

Article 423:

If the acts specified under article 420 and 421 of this law are committed by a person who has influence or authority over the person against whom the crime has been committed, or if the former is charged with the responsibility of raising the latter, the offender shall be sentenced

Article 425:

A person who carries off a girl, who is sixteen years or over, at her own will from her parents' residence for the purpose of lawfully marrying her, shall not be deemed as having committed an act of kidnapping.

Article 515:

A person who holds as hostage another person through threat, coercion or any other means, shall be sentenced to long

imprisonment Please also note that Afghanistan has ratified the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography but does not currently have any implementing legislation for it.

¶23. (SBU) B. What are the penalties for traffickers of people for sexual exploitation? For traffickers of people for labor exploitation?

The penalties for trafficking of any kind have not been clearly defined by the law and vary based on the region and judge.

¶24. (SBU) C. What are the penalties for rape or forcible sexual assault? How do they compare to the penalty for sex trafficking?

Rape and sexual assault are punishable by death but there is an extremely high burden of proof. The penalty for sex trafficking has not been defined.

¶25. (SBU) D. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in many countries with federalist systems, prostitution laws may be covered by state, local, and provincial authorities.

Prostitution is not legal. Committing or contributing to acts of prostitution is also against the law. These laws are inconsistently enforced. Recent cases have involved the deportation of foreign sex workers. The government attempted to press criminal charges against the women involved, but was encouraged by NGOs to deport them because they were suspected to have been trafficked.

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¶26. (SBU) E. Has the Government prosecuted any cases against traffickers? If so, provide numbers of investigations, prosecutions, convictions, and sentences, including details on plea bargains and fines, if relevant and available. Are the traffickers serving the time sentenced? If no, why not? Please indicate whether the government can provide this information, and if not, why not? (Note: complete answers to this section are essential. End Note)

The government reported between 40-70 arrests of child traffickers over the year, but the details on investigations, prosecutions, convictions and sentences were not available. Due to the lack of a clear criminal code and lack of training for judges and prosecutors with regards to TIP, many of these cases slip through the judicial system.

¶27. (SBU) F. Is there any information or reports of who is behind the trafficking? For example, are the traffickers freelance operators, small crime groups, and/or large international organized crime syndicates? Are employment, travel, and tourism agencies or marriage brokers fronting for traffickers or crime groups to traffic individuals? Are government officials involved? Are there any reports of where profits from trafficking in persons are being channeled? (e.g. armed groups, terrorist organizations, judges, banks, etc.)

There are no official reports on who is behind the trafficking. There are unofficial reports of some organized crime involvement in the trafficking of Eastern European women and some reports of employment agencies involved in trafficking Chinese women.

¶28. (SBU) G. Does the government actively investigate cases of trafficking? (Again, the focus should be on trafficking

cases versus migrant smuggling cases.) Does the government use active investigative techniques in trafficking in persons investigations? To the extent possible under domestic law, are techniques such as electronic surveillance, undercover operations, and mitigated punishment or immunity for cooperating suspects used by the government? Does the criminal procedure code or other laws prohibit the police from engaging in covert operations?

Government officials lack proper training or resources to investigate cases of trafficking. Active investigative techniques have only recently been introduced to combat narcotics trafficking and have not been applied to TIP. The criminal procedure code does not prevent covert operations.

129. (SBU) H. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking?

No. In the past, with support from UNICEF, a series of sensitization trainings were conducted for different government agencies, including the Ministries of Labor and Social Affairs, Interior, and Justice.

130. (SBU) I. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking?

No. There has been some cooperation with KSA on the return of trafficked persons but there has been no cooperation on investigation or prosecution of traffickers.

131. (SBU) J. Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited? Does the

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government extradite its own nationals charged with such offenses? If not, is the government prohibited by law from extraditing its own nationals? If so, what is the government doing to modify its laws to permit the extradition of its own nationals?

There have been no extraditions of traffickers, although there does not appear to be any law preventing such extraditions.

132. (SBU) K. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

At the national level, there is no evidence to support the involvement of government officials in TIP. Some evidence suggests that local commanders were involved in trafficking of children, but there was no new information available this year. There is also a common perception that there are corrupt officials in the police force who facilitate TIP. There have been no official reports on steps taken by the government to address this.

133. (SBU) L. If government officials are involved in trafficking, what steps has the government taken to end such participation? Have any government officials been prosecuted for involvement in trafficking or trafficking-related corruption? Have any been convicted? What actual sentence was imposed? Please provide specific numbers, if available.

See above.

134. (SBU) M. If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? Does the country's child sexual abuse laws have extraterritorial coverage (like the U.S. PROTECT Act)?

Sex tourism has not been identified as a problem in Afghanistan.

¶35. (SBU) N. Has the government signed, ratified, and/or taken steps to implement the following international instruments? Please provide the date of signature/ratification if appropriate.

--ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor.

No.

--ILO Convention 29 and 105 on forced or compulsory labor.

No.

--The Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography.

Yes.

--The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime.

No.

PROTECTION AND ASSISTANCE TO VICTIMS

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¶36. (SBU) A. Does the government assist victims, for example, by providing temporary to permanent residency status, relief from deportation, shelter and access to legal, medical and psychological services? If so, please explain. Does the country have victim care and victim health care facilities? If so, can post provide the number of victims placed in these care facilities?

No.

¶37. (SBU) B. Does the government provide funding or other forms of support to foreign or domestic NGOs for services to victims? Please explain.

No. Funding is provided by international donors or self-funded by NGOs.

¶38. (SBU) C. Is there a screening and referral process in place, when appropriate, to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to NGO's that provide short- or long-term care?

No process has been developed. Transfers are negotiated on a case-by-case basis.

¶39. (SBU) D. Are the rights of victims respected, or are victims also treated as criminals? Are victims detained, jailed, or deported? If detained or jailed, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

There is no established protocol for the treatment of victims. Their treatment varies depending on the official, location, or security service. No specific information is available on the length of detention or treatment of individual victims.

¶40. (SBU) E. Does the government encourage victims to assist in the investigation and prosecution of trafficking? May

victims file civil suits or seek legal action against the traffickers? Does anyone impede the victims' access to such legal redress? If a victim is a material witness in a court case against the former employer, is the victim permitted to obtain other employment or to leave the country? Is there a victim restitution program?

There is no protection available for victims and no means for them to assist in investigations. Due to the lack of protections, many victims are too scared or unwilling to assist officials.

¶41. (SBU) F. What kind of protection is the government able to provide for victims and witnesses? Does it provide these protections in practice? What type of shelter or services does the government provide? Does it provide shelter or any other benefits to victims for housing or other resources in order to aid the victims in rebuilding their lives? Where are child victims placed (e.g. in shelters, foster-care type systems or juvenile justice detention centers)?

The government provides no formal protection to victims. Victims are sometimes jailed while officials decide on the disposition of their cases, whether to press charges, or to deport. Some protection is given by NGOs, though specifics are unavailable at this time because of their confidentiality requirements. Child victims can be placed by the government in orphanages or juvenile detention centers.

¶42. (SBU) G. Does the government provide any specialized

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training for government officials in recognizing trafficking and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? Does it urge those embassies and consulates to develop ongoing relationships with NGOs that serve trafficked victims?

The government provides no training to government officials on TIP. Some NGOs have developed relationships with foreign consulates to assist in serving trafficked victims.

¶43. (SBU) H. Does the government provide assistance, such as medical aid, shelter, or financial help, to its repatriated nationals who are victims of trafficking?

The government in conjunction with NGOs, provides repatriation assistance to children. Little assistance is available to adults.

¶44. (SBU) I. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities? NOTE: If post reports that a government is incapable of assisting and protecting TIP victims, then post should explain thoroughly. Funding, personnel, and training constraints should be noted, if applicable. Conversely, a lack of political will to address the problem should be noted as well.

International Organization for Migration (IOM), UNICEF, Save the Children, Afghan Independent Human Rights Commission (AIHRC), local Afghan NGOs. The GOA is unable to assist or protect victims due to a severe lack of resources and capacity. The government is an emerging democracy facing many challenges, including an active insurgency and rampant poverty.

NEUMANN